

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JACQUELINE CHEATOM	:	CIVIL ACTION
	:	
v.	:	NO. 19-4803
	:	
CITY OF PHILADELPHIA	:	

ORDER

AND NOW, this 17th day of January 2020, upon considering Defendant's Motion to dismiss (ECF Doc. No. 4), Plaintiff's Response (ECF Doc. No. 5), upon noting Plaintiff dual filed with the Pennsylvania Human Relations Commission (ECF Doc. No. 5) but did not plead this dual filing, finding Plaintiff has not plead facts allowing us to infer a causal connection between her 2015 discrimination complaint and discipline in Spring 2018 necessary for a retaliation claim, but finding Plaintiff pleads a gender discrimination claim exhausted before the Equal Employment Opportunity Commission, and for reasons in the accompanying Memorandum, it is **ORDERED** Defendant's Motion to dismiss (ECF Doc. No. 4) is:

1. **GRANTED in part** without prejudice to Plaintiff filing an amended Complaint on or before **January 27, 2020** specifically pleading the dual filing with the Pennsylvania Human Relations Commission and possibly pleading a retaliation claim supported by facts allowing us to infer antagonism linking her protected activity to the retaliatory actions; and,

2. **DENIED** as to a gender discrimination claim exhausted before the Equal Employment Opportunity Commission and absent an amended Complaint, Defendant shall answer the Complaint no later than **January 31, 2020**.



KEARNEY, J.